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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEVE MACRINA, Individually and on Behalf of)	
All Others Similarly Situated,)	
Plaintiffs,)	
vs.)	Case No. 07-cv-04108 (JGK)
J. ROGER MOYER, JR., THOMAS DAUTRICH)	
GEORGE W. GRANER, EQUIPMENT FINANCE,))	
LLC, BANK OF LANCASTER, N.A.)	
Defendants)	
-and-)	
_____)	

additional captions continued on following pages

**NOTICE OF FILING OF EXHIBIT #6 TO IRA PRESS' DECLARATION IN SUPPORT
OF MOTION TO APPOINT PUBLIC EMPLOYEES RETIREMENT ASSOCIATION OF
NEW MEXICO AND NEW MEXICO EDUCATIONAL RETIREMENT BOARD (THE
NEW MEXICO FUNDS) AS LEAD PLAINTIFF**

BRIAN JOHNSON, Individually and on Behalf of
All Others Similarly Situated

Plaintiffs,

vs.

STERLING FINANCIAL CORPORATION,
J. ROGER MOYER, JR., J. BRADLEY SCOVILL
TITO L. LIMA

Defendants

-and-

CASTLE STRATEGIC TRADING, INC.,
Individually and on Behalf of all others Similarly
Situated

Plaintiffs

vs.

J. ROGER MOYER, JR., THOMAS DAUTRICH,
GEORGE W. GRANER, EQUIPMENT FINANCE,
LLC, BANK OF LANCASTER, N.A.

Defendants

-and-

JEFFREY M. COOLEY, Individually and on
Behalf of All Others Similarly Situated

Plaintiffs

vs.

Case No. 07-cv-04652 (JGK)

Case No. 07-cv-05594 (JGK)

Case No. 07-cv-05671 (JGK)

STERLING FINANCIAL CORPORATION,
JR. J. ROGER MOYER, J. BRADLEY SCOVILL,
TITO L. LIMA

Defendants

Exhibit 6



Cauley Bowman Carney & Williams, PLLC

www.cauleybowman.com



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The Firm's Practice and Achievements

Cauley Bowman Carney & Williams, PLLC ("Cauley Bowman") is a national law firm that represents investors and consumers in class action and corporate governance litigation. It is one of the country's premiere firms in the area of securities fraud, with in-house finance and forensic accounting specialists and extensive trial experience. Since its founding, Cauley Bowman has recovered in excess of two billion dollars on behalf of aggrieved shareholders and consumers.

The attorneys at Cauley Bowman are uniquely qualified to prosecute complex accounting and financial fraud cases. Several of the firm's attorneys are CPAs, including one with Big Four auditing experience. The firm's reputation for excellence in accounting fraud and other complex class actions has been recognized on repeated occasions by federal and state court judges who have appointed the firm to serve as lead or co-lead counsel in numerous cases pending throughout the country.

In addition to its strong personnel, Cauley Bowman is well-capitalized, allowing it to dedicate considerable resources and to advance expenses on a contingency fee basis to the fullest extent necessary to achieve the best possible result for class members. As a result of its successful track record and strong capitalization, the firm enjoys a high level of respect and credibility with the defense bar and insurance carriers that often defend and insure corporations and their officers and directors.

As a firm, Cauley Bowman values practicing in a small environment where professional and personal interaction among the partners, associates, paralegals, accounting staff and other personnel allow for a true "team approach" to litigation strategy that fosters an energetic exchange of ideas. The firm believes its size allows for a greater degree of independence, flexibility and satisfaction than a large firm environment, without sacrificing the quality of representation necessary to achieve successful results for its clients.

The Firm's Partners

S. GENE CAULEY is a partner of the firm.

Mr. Cauley is a graduate of Vanderbilt University School of Law where he was an oralist on the Jessup International Moot Court Team and represented Vanderbilt in appellate argument competitions. Mr. Cauley graduated *summa cum laude* from the University of Arkansas, where he was named the Outstanding Student in Finance and received the Presidential Scholar Award as the top third-year student in the entire College of Business Administration.

Mr. Cauley has substantial jury trial and arbitration experience representing both plaintiffs and defendants. Mr. Cauley is a recognized authority on class action procedure and often serves as a guest lecturer on class actions. Mr. Cauley has published an article on class action procedure entitled "Life After *Baker v. Wyeth* *Aherst* and *Arthur v. Zearley*: What Is The Landscape For Class Actions In Arkansas State Court?" The ATLA Docket, Summer 1999. Additionally, Mr. Cauley is a regularly quoted expert in the financial press, most recently providing expert commentary on the CBS Morning Show. Recently, The National Law Journal



named Mr. Cauley one of the top litigators in the country. The National Law Journal cited his exceptional work in *In re Lernout & Hauspie Securities Litigation*, (No. 00-11589-PBS Co. Mass), where Mr. Cauley obtained a \$115 million settlement against KPMG USA and KPMG Belgium. This settlement ranks as one of the largest single settlements against an accounting firm.

Mr. Cauley is licensed to practice in the State of Arkansas, the Eastern and Western Districts of Arkansas, the District Court of Arizona and the United States Court of Appeals for the Third, Sixth, Eighth and Eleventh Circuits. In addition to these courts and jurisdictions, Mr. Cauley regularly works on cases with local counsel throughout the country.

Since 1994, Mr. Cauley has concentrated his practice in the area of complex commercial litigation, with a particular emphasis on securities and consumer fraud litigation. Mr. Cauley currently serves as Lead Counsel, Co-Lead Counsel or on the Executive Committee of Counsel in multiple pending class actions and shareholder derivative litigations throughout the United States. A representative sample of these actions includes: *In re NewPower Holdings Securities Litigation*, U.S.D.C., Southern District of New York, No. 02Civ1550 (CLB) (\$41 million settlement); and *Paul L. Ruble, et al. v. Rural Metro Corp., et al.*, U.S.D.C., District of Arizona, No. CIV-99-822-PHX-RGS (\$15 million settlement).

Examples of recent class actions in which Mr. Cauley played a lead role in achieving a substantial settlement include: *Martin Fogel v. Information Management Associates, Inc.*, U.S.D.C., District of Connecticut, No. 3:00-CV-135 (AWT) (\$4.1 million settlement); *Lynne H. Sinay, et al. v. Boron Lepore & Associates, Inc., et al.*, U.S.D.C., District of New Jersey, No. 99-2231 (\$4.7 million settlement); *Isabel J. Griffin v. Medpartners, Inc.*, Cir. Ct. of Jefferson Cty., Alabama No.: 98-00297 (a case arising out of an initial public offering of securities which settled for \$65 million, of which \$25 million was allocated to the class of shareholders represented specifically by Mr. Cauley); *State of Wisconsin Investment Board, et al. v. Harold Ruttenberg, et al.* (Just For Feet), U.S.D.C., Northern District of Alabama, Southern Division, No. CV 99-BU-3097-S (Court Appointed Special Counsel; \$34 million settlement); *Trinity Holdings Corp. v. Sirrom Capital Corporation, et al.*, U.S.D.C., Middle Dist. of Tennessee, Nashville Div. No. 3-98-0643 (a case which settled for \$15 million and in which Mr. Cauley was on the Executive Committee of plaintiffs' lawyers); *Bill Koplovitz, et al. v. Plains Resources, Inc., et al.*, U.S.D.C., Southern District of Texas, Houston Division, No. H-99-4212 (Lead Counsel; \$5.4 million settlement); *In re PaineWebber Limited Partnerships Litigation*, U.S.D.C. Southern District of New York, No. 94 CIV 8546 (CSH) (a case involving the sale of limited partnerships by PaineWebber which resulted in a settlement of \$200 million); *Nasdaq Market-Makers Antitrust Litigation*, U.S.D.C. Southern District of New York, No. CIV-94-3996 (an antitrust case against several market-makers which settled for over \$1 billion); *Dasburg, S.A. v. Corrections Corporation of America, et al.*, Court of the Chancery for the State of Tennessee, 20th Judicial Dist., Davidson Cty., No. 98-2391-III (settlement of \$11.5 million in cash and stock); and *John Neiger v. Doctor Crants, et al.* (Prison Realty), U.S.D.C., Middle District of Tennessee, Nashville Division, No. 3-99-1205 (settlement of \$11.5 million in cash and stock.)

Mr. Cauley is or has been a member of the Pulaski County, Arkansas and American Bar Associations, and the Arkansas Trial Lawyers Association.



CURTIS L. BOWMAN is a partner of the firm.

Mr. Bowman earned his Bachelor of Science degree in Accounting from the University of Arkansas in May 1981, where he was recognized as the Outstanding Accounting Student in his class. Mr. Bowman is a Certified Public Accountant having worked for several years with Price Waterhouse. Mr. Bowman earned his *juris doctorate* with Highest Honors from the University of Arkansas at Little Rock, School of Law, where he was an Editor of the Law Review and received multiple American Jurisprudence Book Awards for earning the highest grade in the school in several courses.

Mr. Bowman began his legal career in 1986, with the Department of Justice Honors Program, a program created by Attorney General Robert Kennedy. Mr. Bowman worked for the Tax Division of the Department of Justice, in Washington, D.C. until October 1990. During his tenure with the DOJ, Mr. Bowman tried dozens of cases involving diverse and complex issues including tax fraud, amortization of core deposit intangibles, "Bivens" actions and judicial review ability of governmental action. While at the Justice Department, Mr. Bowman litigated a matter making it clear that certain action or inaction on the part of the Internal Revenue Service Commissioner is not subject to judicial review. See *Horton Homes, Inc. v. United States of America*, 727 F. Supp. 1450 (1990), affirmed by the Eleventh Circuit Court of Appeals and subsequently overturned prospectively by Congress. During his tenure at the Justice Department, Mr. Bowman was recognized as the "Outstanding Attorney" of the Tax Division (nationwide).

In 1990, Mr. Bowman returned to Little Rock, Arkansas, where he began his private practice of law with the firm of Jack, Lyon & Jones, P.A. In 1993, Mr. Bowman became a partner of Jack, Lyon & Jones and was head of the firm's complex commercial and white collar defense litigation sections. Mr. Bowman has been involved in a number of high profile cases, including the criminal defense of a complex "Whitewater" matter wherein the former governor of Arkansas and his attorney were indicted by the Whitewater prosecutor, Kenneth Starr. In that case, *United States of America v. John H. Haley*, 898 F. Supp. 654 (1995), Haley and Tucker successfully argued to the District Court that Kenneth Starr had exceeded his jurisdiction in prosecuting citizens of the State of Arkansas as opposed to officers of the Executive Branch with whom Attorney General Reno had a conflict of interest. That case was subsequently reversed by the Eighth Circuit Court of Appeals.

Mr. Bowman's litigation experience is broad and includes both the prosecution and defense of cases on behalf of individuals and classes involving death penalty matters; common law civil fraud; securities fraud; RTC savings and loan litigation; general commercial litigation; white collar crime; and tax matters. Mr. Bowman's class action experience includes the successful defense of a string of related class actions brought against Rapid Acceptance Corporation alleging that Rapid had charged consumers an amount of interest in excess of the amount allowed by law.

Mr. Bowman is also actively involved in many of the firm's securities class actions, particularly those involving accounting fraud, and is taking the lead role for the firm in such cases as *Rosa E. Garza v. J.D. Edwards & Co.*, U.S.D.C. District of Colorado, No. 99-1744, (\$15 million settlement); *Betty M. Lynch v. JDN Realty Corp., et al.*, U.S.D.C. Northern District of Georgia, Atlanta Division, No. 1:00-CV-2539 (settled for more than \$40 million in cash and stock with 11% of the total settlement allocated to Mr. Bowman's clients); *In re Phycor Shareholder Litigation*, U.S.D.C., Middle District of Tennessee, Nashville Division,



No. 3-99-0807 (\$11.2 million cash settlement); and *In re Vision America Securities Litigation*, U.S.D.C., Middle District of Tennessee, Nashville Division, No. 3-00-0279 (\$5.9 million settlement).

Mr. Bowman is currently working on one of the most significant securities cases to be brought in recent history, *In re Initial Public Offering Securities Litigation*, 21 MC 92 (SAS) (S.D.N.Y.), which alleges that more than 50 investment banking firms, and over 300 companies and certain officers and directors manipulated the high tech initial public offering markets.

J. ALLEN CARNEY is a partner of the firm.

Mr. Carney is a graduate of the University of Arkansas, earning a degree in Finance. Subsequently, Mr. Carney graduated from the University of Arkansas at Little Rock School of Law.

Prior to joining the firm, Mr. Carney was a partner with Jack, Lyon & Jones, P.A. in the Little Rock, Arkansas office, where he practiced extensively in the areas of complex commercial litigation, labor and employment litigation, and business transactions. While at Jack, Lyon & Jones, Mr. Carney had the privilege of representing some of the State's and the nation's largest employers, including Southwestern Bell Telephone Company, American Standard, Inc., and Babcock & Wilcox.

Mr. Carney has been involved in a number of high-profile cases, including the successful defense of Capital Cities/ABC News in an action brought by Tyson Foods regarding the secret videotaping of chicken processing plants; representing a joint venture comprised of two Fortune 100 companies, during an energy shortage, involving the lease and alleged damage of several large electrical generators; and the successful defense before the Eighth Circuit Court of Appeals of an issue of first impression under the Family and Medical Leave Act. Mr. Carney is a frequent lecturer to human resources professionals and attorneys regarding litigation and employment matters. For approximately six years, he was a frequent contributor to Arkansas Employment Law Newsletter, a monthly publication with more than seven hundred (700) subscribers. Additionally, Mr. Carney co-authored and edited a twenty-seven chapter Employment Law Desk Book for Arkansas Employers (1997). The book highlights federal and state labor and employment laws, rules and regulations.

Mr. Carney is actively involved in the firm's securities practice, having held leadership positions in numerous cases: *In re Lernout & Hauspie Securities Litigation*, No. 00-11589-PBS (D. Mass.) (\$115 million settlement); *In re NewPower Securities Litigation*, No. 2-CV-1550 (S.D.N.Y.) (\$41 million settlement); *In re DQE, Inc. Securities Litigation*, No. 01-1851 (W.D. Pa.); *In re Ashanti Goldfields Securities Litigation*, No. CV-00-9717 (DGT) (RML) (E.D.N.Y.); *In re Central Parking Corporation Securities Litigation*, No. 03-CV-0546 M.D. Tenn.); *In re Keyspan Securities Litigation*, No. CV-01-5852 (ARR) (MDG) (E.D.N.Y.); *Paul Ruble, et. al. v. Rural Metro Corp., et. al.*, No. CV-99-822-PHX-RGS (D. Ariz.).

Mr. Carney is licensed to practice law in Arkansas state courts, the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Court of Appeals for the Third and Eighth Circuits. Mr. Carney has argued before the Arkansas Supreme Court. Additionally, Mr. Carney has appeared in numerous federal and state courts across the nation via admission *pro hac vice*.



DARRIN L. WILLIAMS is a partner of the firm.

Mr. Williams received his Bachelor of Arts degree in History from Hendrix College in Conway, Arkansas. Mr. Williams earned his *juris doctorate* degree from Vanderbilt University School of Law. While at Vanderbilt, Mr. Williams served as the Chief Justice of the Moot Court Board, received the American Jurisprudence Book Award for earning the highest grade in Torts, and was an Earl Warren Scholar, NAACP Legal Defense Fund. Mr. Williams also earned his Master of Law in Securities and Financial Regulation from Georgetown University Law Center. While working on his Master of Law, he worked in the General Counsel's Office of the United States Securities and Exchange Commission.

Mr. Williams, a principal institutional investor contact for the firm, devotes a substantial portion of his practice to representing institutional investors seeking financial recovery for losses suffered as a result of securities fraud. Mr. Williams heads up the Institutional Monitoring Department for the firm, handling all asset monitoring and case start-ups, including Lead Plaintiff motions. Most recently Mr. Williams has obtained Leadership positions in *In re Bisys Group Inc. Securities Litigation*, 04-CV3840 (LTS) (S.D.N.Y.); *In re Cardinal Health Securities Litigation*, No. C2-04-575 (E.D. Ohio). Mr. Williams is a member of several institutional investor organizations, including: the Council of Institutional Investors, the National Association of Public Pension Fund Attorneys, the National Conference of Public Employee Retirement Systems and the National Association of Securities Professionals.

Immediately prior to joining the firm, Mr. Williams was the Chief Deputy Attorney General for the State of Arkansas, where he directed all of the legal work of the office, including the representation of the state's constitutional offices, agencies, boards and commissions. During his time in the Office of the Arkansas Attorney General, Mr. Williams' legal skill and leadership resulted in the office recovering millions of dollars on behalf of Arkansas consumers. Because of Mr. Williams' work to protect senior consumers from fraud, he was invited to testify before the United States House of Representatives Committee on Ways and Means. Mr. Williams has also served as an aide to a United States Senator and the United States Senate Sergeant at Arms, as well as general counsel to a business consulting corporation.

Mr. Williams' professional associations include membership in the American Bar Association, the National Bar Association, the Arkansas Trial Lawyers Association and the Arkansas Bar Association, where he is a member of the Jurisprudence and Law Reform and the Legal Services Committees. Mr. Williams was named Outstanding Government Lawyer by the W. Harold Flowers Law Society, Distinguished Alumnus at Hendrix College, and to *Arkansas Business*' "Forty under Forty." Mr. Williams is licensed to practice in the State of Arkansas, the Eastern and Western Districts of Arkansas, as well as the United States Supreme Court.

Mr. Williams is also active in community, civic and political matters. Presently, Mr. Williams serves as a commissioner on the Little Rock Planning Commission, Chairman of the First Tee of Arkansas - Jack Stephens Youth Golf Academy, on the Board of Governors for Hendrix College, as a board member for the Little Rock Central High 50th Anniversary Commission, and as a member of the American Council of Young Political Leaders.



HANK BATES is a partner of the firm.

Mr. Bates received his Bachelor of Arts degree in History and Literature from Harvard University in 1987 where he was a National Merit Scholar and graduated with honors. After college, Mr. Bates was awarded a Rotary International Fellowship to the University of Manchester, Manchester, Great Britain.

Mr. Bates received his *juris doctorate* from Vanderbilt University School of Law in 1992, where he was awarded the Andrew Ewing Scholarship, graduated Order of the Coif, served as Articles Editor of the *Vanderbilt Law Review* and on the Moot Court Board, received American Jurisprudence Awards or "top paper" in five classes, authored Note, "Out of Focus: The Misapplication of Equitable Remedies in the Nontraditional Arena of School Desegregation," 44 *Vanderbilt Law Review* 1315, 1991; and served as Symposium Editor and authored the Introduction for the 1992 Symposium Issue of the *Review*, "A Reevaluation of the Canons of Statutory Interpretation," 45 *Vanderbilt Law Review* No. 3, 1992.

Following graduation from law school, Mr. Bates served as a law clerk for the Honorable Danny J. Boggs, Circuit Judge for the United States Court of Appeals for the Sixth Circuit in 1992 and 1993. Following his clerkship, Mr. Bates moved to California where he focused his practice on public interest environmental law and worked as an Associate Attorney with EarthJustice Legal Defense Fund. Mr. Bates was involved in high-profile and significant litigation involving, among other issues, preservation of western streams that provide habitat for endangered salmon and steelhead trout, remediation of contamination at decommissioned military bases, preservation of old-growth forest habitat for the Spotted Owl and other endangered species, protection of California coastal lands from over-development and oil exploration, and the establishment of emissions trading programs for industries in southern California.

In 1998, Mr. Bates returned home to Little Rock, Arkansas where his practice has included a broad spectrum of environmental litigation, including industrial pollution, groundwater pollution from underground storage tanks and other facilities, air pollution, toxic exposures, oil and gas exploration and production waste, crop damage and personal injury from pesticides, as well as claims against federal and local governmental agencies that have not fulfilled statutory mandates to protect the environment. Mr. Bates has represented numerous individuals and entire communities (numbering hundreds of households) in complex and high-profile litigation involving air pollution, groundwater pollution and toxic exposures resulting in multi-million dollar recoveries and agreements and court orders requiring remediation of contamination and compliance with applicable environmental laws and regulations in the future. Mr. Bates is a frequent lecturer on subjects related to environmental law and toxic torts. In addition, Mr. Bates is involved in the firm's consumer protection class action litigation.

Mr. Bates is an active member of the bar, serving as Vice-Chairman of the American Bar Association's Committee on Pesticides, Chemical Regulation, and Right-to-Know; on the Governing Board of the Environmental Law Section of the Arkansas Bar Association; and as Arkansas State Coordinator for Trial Lawyers for Public Justice. In addition, he is a member of the Arkansas Trial Lawyers Association, the Association of Trial Lawyers of America, and the California Bar Association.



Mr. Bates is licensed to practice in the State of Arkansas, the State of California, the U.S. Court of Federal Claims, the U.S. Circuit Court of Appeals for the Eighth and Ninth Circuits, the U.S. District Courts for the Eastern and Western Districts of Arkansas, and the U.S. District Courts for the Northern and Southern Districts of California.

MARCUS N. BOZEMAN is a partner of the firm.

After earning a Bachelor of Arts degree in Political Science from the University of Arkansas, Mr. Bozeman attended law school at the University of Arkansas at Little Rock (UALR) School of Law. Mr. Bozeman graduated first in his law school class and was also selected as Editor-in-Chief for the University of Arkansas at Little Rock Law Journal. The recipient of American Jurisprudence Awards or "top paper" designations in eight of his law school classes, Mr. Bozeman additionally authored the Note, "Miranda Comes Out from under a Stone," 16 U. Ark. Little Rock L.J. 259 (1994).

Following law school, Mr. Bozeman served for two years as a law clerk for the Honorable Floyd R. Gibson, Circuit Judge from the United States Court of Appeals for the Eighth Circuit. Mr. Bozeman subsequently entered private practice at the Kansas City, Missouri defense firm of Rouse Hendricks German May. Mr. Bozeman then moved to Memphis, Tennessee, where he practiced at Baker, Donelson, Bearman, Caldwell, and Berkowitz before joining Cauley Bowman. In addition to participating in multiple jury trials, Mr. Bozeman has extensive experience in litigating complex commercial and class action cases.

Mr. Bozeman is currently representing individual and institutional investors seeking recovery for losses suffered as a result of securities fraud. Mr. Bozeman has held a leadership position in the following securities fraud class settlements: *Valuepoint Partners, Inc. v. ICN Pharmaceuticals, Inc.*, No. 03-989 (C.D. Ca.); *In re National Golf Properties, Inc. Securities Litigation*, 92-1383-GHK (RZx) (W.D. Ca.) (\$4.175 million settlement); *In re Interpublic Securities Litigation*, 02-CV-6527 (DLC) (S.D.N.Y.) (\$115 million total settlement package of cash and stock); *In re Fleming Companies, Inc. Securities and Derivative Litigation*, 5-030MD-1530 (TJW) (E.D. Tex.); *In re Loral Space & Communications Ltd. Securities Litigation*, No. 01-CV-1388 (JGK) (S.D.N.Y.).

Mr. Bozeman is licensed to practice in the state courts of Arkansas, Kansas, Missouri, and Tennessee. He is also admitted to appear before the United States District Courts for the Eastern and Western Districts of Arkansas, the District of Kansas, the Western District of Missouri, and the Western District of Tennessee, as well as the United States Courts of Appeals for the Third, Sixth, Eighth, Tenth, and Federal Circuits. Included among Mr. Bozeman's reported cases are: S.W.3d 805 (Ark. Ct. App. 2001); *W. Tenn. Chapter of Associated Builders & Contractors v. City of Memphis*, 138 F. Supp. 2d 1015 (W.D. Tenn., 2000); *KCJ Corp. v. Kinetic Concepts, Inc.*, 39 F. Supp. 2d 1286 (D. An., 1999); *KCJ Corp. v. Kinetic Concepts, Inc.*, 30 F. Supp. 2d 1319 (D. An., 1998); *KCJ Corp. v. Kinetic Concepts, Inc.*, 18F. Supp. 2d 1212 (D. An. 1998); *New Hampshire Ins. Co. v. Westlock Hardware, Inc.*, 11 F. Supp. 2d 1298 (D. An. 1998).

The Firm's Associates

JAMES L. KAUFFMAN is an associate of the firm.



Mr. Kauffman earned his Bachelor of Science from the University of Florida, receiving a dual degree in Financial Management and Insurance. Subsequently, Mr. Kauffman graduated with Honors from the University of Florida Levin College of Law. During his law school career, Mr. Kauffman practiced as a certified legal intern within the Virgil C. Hawkins Civil Clinic, assisting indigent clients file *pro se* lawsuits. Additionally, Mr. Kauffman was distinguished as the top student in Trial Practice.

Prior to joining the firm, Mr. Kauffman worked as a financial advisor for Morgan Stanley Dean Witter. While at Morgan Stanley, Mr. Kauffman underwent comprehensive Series 7 training, which included option strategies, margin accounts, and underwriting of initial public offerings. Mr. Kauffman left Morgan Stanley Dean Witter in Fall of 1999 to pursue his law degree.

Mr. Kauffman is licensed to practice in the State of Arkansas and the Eastern and Western Districts of the United States District Court in Arkansas and in Florida. He is a member of the American and Arkansas Bar Associations. Mr. Kauffman's areas of expertise include securities law, corporate law, mediation, and arbitration. His practice with the firm focuses primarily upon representing investors seeking financial recovery for losses suffered as a result of securities fraud.

Mr. Kauffman is one of the firm's principal attorneys working on what has been called one of the nation's largest and most significant securities fraud cases. *In re Initial Public Offering Securities Litigation*, 21MC 92(SAS)(S.D.N.Y.).

TIFFANY WYATT OLDHAM is an associate of the firm.

Ms. Oldham graduated *cum laude* from the University of Arkansas at Fayetteville School of Law in 2001. She served as a member of the Board of Advocates and the W.B. Putman Inns of Court. In addition, Ms. Oldham served as President of Phi Delta Phi honors fraternity. During her law school career, Ms. Oldham participated in various trial competitions and moot court, where she was selected as a semi-finalist in the spring rounds. Ms. Oldham has a Bachelors of Arts in English from the University of Arkansas at Fayetteville.

Prior to joining the firm, Ms. Oldham worked for the Japanese municipal government in Urasoe City, Okinawa, Japan. While abroad, Ms. Oldham's primary focus was on international relations. In addition, Ms. Oldham worked as an intern for the U.S. Bankruptcy Court, Western Division of Arkansas, where she assisted in researching bankruptcy issues and administrating bankruptcy proceedings.

Ms. Oldham is licensed to practice in the Arkansas state courts and the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Courts of Appeals for the Third Circuit. She is currently a member of the American, Arkansas and Pulaski County Bar Associations. Ms. Oldham has experience in a multitude of legal fields including securities law, corporate law, business litigation, real estate transactions, and insurance regulation. Ms. Oldham has had significant involvement: *In re Fleming Companies, Inc. Securities and Derivative Litigation*, 5-030MD-1530 (TJW) (E.D. Tex.); *In re Keyspan Securities Litigation*, No. CV-01-5852 (ARR) (MDG) (E.D.N.Y.); *Freidman v. Rayovac Corporation*, No.



02-CV-0308 (W.D. WI); *In re IXL Enterprises, Inc. Securities Litigation*, No. 1:00-CV-2347-CC (N.D. Ga.); *Asher v. Baxter International, Inc., et. al.*, No. 02-CV-5608 (N.D. Il).

DEBORAH R. SALLINGS is an associate of the firm.

Ms. Sallings is a graduate of the University of Arkansas at Little Rock (UALR) School of Law, where she was a member of the UALR Law Journal staff, writing case note and survey section articles. Ms. Sallings has had extensive appellate practice in state and federal courts, including the United States Supreme Court. Before joining the firm, she served as head of the Appellate Division for the Office of the Sixth Judicial District Public Defender in Pulaski County, Arkansas, handling well over 300 cases that were appealed to the Arkansas Supreme Court and Arkansas Court of Appeals. In addition, she served as circuit court trial attorney in numerous serious felony cases, including death penalty cases in which she was chief mitigation counsel. She was also a staff attorney with the Arkansas Capital Resource Center, representing Arkansas death row clients in post-conviction habeas corpus actions in state and federal courts, both at the trial and appellate level, as well as in clemency proceedings, successfully obtaining gubernatorial clemency and commutation of sentence for the only death row inmate to receive such relief in Arkansas since 1970.

Ms. Sallings also was an associate with the Little Rock firm of Jack, Lyon & Jones, P.A., in the Little Rock and Nashville offices, where she practiced primarily in the area of hospital and health care law.

Ms. Sallings serves on the Arkansas Supreme Court Committee on Model Criminal Jury Instructions and has made presentations on appellate practice at CLE seminars. She received a Bachelor of Arts degree in History and Political Science from Hendrix College. She is licensed to practice in the state and federal courts of Arkansas, the United States Court of Appeals for the Eighth Circuit, and the United States Supreme Court.

T. BRENT WALKER is an associate of the firm.

Mr. Walker earned his Bachelor of Business Administration degree in Accounting from the University of Mississippi. He earned his Master's degree in business from Mississippi State University and completed his *juris doctorate* from the University of Arkansas at Little Rock. While in law school, Mr. Walker earned the Top Paper in several courses.

Mr. Walker is a CPA with substantial experience in public accounting and business management. Prior to joining the firm, Mr. Walker obtained over seven years of public accounting experience in taxation, audit and management advisory services. In addition, Mr. Walker worked for a division of Prudential Financial primarily acquiring and managing real estate investment properties for institutional clients.

Mr. Walker is licensed to practice law in the state of Arkansas. He is also a member of the American and Arkansas Bar Associations as well as the American Institute of Certified Public Accountants. His practice with the firm focuses primarily upon representing investors seeking financial recovery for losses suffered as a result of securities fraud. Mr. Walker has had significant involvement in: *In re Lernout & Hauspie Securities Litigation*, No. 00-11589-PBS (D. Mass.) (\$115 million settlement); *In re Vision America, Inc.*



Securities Litigation, No. 3-00-279 (M.D. Tenn.); *State of Wisconsin Investment Board, et.al. V. Rutenberg, et.al.*, No. CV 99-B4-3129-S (N.D. Ala.); *In re DQE, Inc. Securities Litigation*, No. 01-1851 (W.D. PA.).

Litigation Consultant

EUGENE J. BRANDAO is a forensic accountant of the firm.

Mr. Brandao has performed accounting, auditing and forensic analysis since 1988. His experience includes a Big Five accounting firm background providing auditing and tax services. Mr. Brandao served as controller for a Houston law firm, and has performed forensic accounting analysis for law firms nationwide.

Mr. Brandao has been a Certified Public Accountant since May 1989, licensed in the state of Texas. He is currently a member of the American Institute of Certified Public Accountants. His responsibilities have included audit engagements for brokers and dealers in securities, banks, bank holding companies, savings and loan organizations, energy companies and not-for-profit organizations.

Prior to joining Cauley Bowman, Mr. Brandao provided litigation consulting services with Moore, Tyler & Company from March 1992 through March 2002. Among Mr. Brandao's assignments were engagements involving breach of contract and dispute settlement, auditing malpractice, and assessment of officer and director fraud and mismanagement. He has provided consultation and analysis on securities fraud as well as lost profits and business valuation engagements in multiple industries, and has also performed services for various businesses to calculate damages sustained as a result of embezzlement and other types of fraud and mismanagement. In addition, Mr. Brandao served as controller for Moore, Tyler & Company, handling accounting, payroll, accounts payable, accounts receivable, billing, budgeting and tax reporting.

Mr. Brandao received his Bachelor of Arts in Pre-Law from Louisiana Tech University. After eight years as a field service representative in the petroleum and natural gas industry, Mr. Brandao earned a Masters of Science in Accountancy from the University of Houston.



Leadership Positions

Cases where Cauley Bowman has held a leadership position of Lead or Co-Lead Plaintiffs' Counsel or as a member of the Executive Committee of Counsels:

In re Abercrombie & Fitch Company Securities Litigation, United States District Court for the Southern District of New York, Civil No. M21-83 (TPG) (Executive Committee; \$6 million settlement)

In re Acclaim Entertainment Inc. Securities Litigation, United States District Court for the Eastern District of New York, No. 03-CV-1270 (JS) (ETB) (Co-Lead Counsel)

William J. Stoddard v. Advanta Nat'l Bank USA, Delaware Superior Court, New Castle County, No. 97C-08-206 (VAB) (Co-Lead Counsel; \$11 million settlement)

Article Four Trust v. Amerco, et al., United States District Court for the District of Nevada, No. CV-N-03-0050-DWH VPC (Co-Lead Counsel)

Desert Orchid Partners, LLC v. Transaction Systems Architects, Inc., United States District Court for the District of Nebraska, Case No. 02-CV-553 (Co-Lead Counsel; \$24.5 million settlement)

In re American Educational Products, Inc. Shareholder Litigation, District Court for Boulder County, Colorado, No. 00-CV-1122, Div. 5 (Co-Lead Counsel)

In re Arcadia Financial Ltd. Shareholder Litigation, District Court for Hennepin County, Minnesota, No. 99-15992 (Co-Lead Counsel)

Richard Bell, et al. v. Ascendant Solutions, Inc., et al., United States District Court for the Northern District of Texas, Dallas Division, No. 3-01-CV-0166-P (Co-Lead Counsel)

In re Ashanti Goldfields Securities Litigation, United States District Court for the Eastern District of New York, No. CV-00-0717 (DGT) (RML) (Co-Lead Counsel; \$15 million settlement)

J.D. Perkins, et al. v. Christopher T. Sortwell, et al. (Aurora Foods), Superior Court of California, San Francisco County, No. 311498 (Lead Derivative Counsel)

Brian Asher v. Baxter International, Inc., et al., United States District Court for the Northern District of Illinois, Eastern Division, Case No. 02 C 5608 (Co-Lead Counsel)



Herbert Huppert v. Robert Martini (Bergen Brunswig), United States District Court for the Central District of California, No. SA-CV-00-364-AHS (Lead Derivative Counsel)

In re Black Box Corporation Securities Litigation, United States Court for the Western District of Pennsylvania, No. 03 CV 412 (Co-Lead Counsel)

In re Beverly Enterprises, Inc. Derivative Litigation, United States District Court for the Eastern District of Arkansas, Western Division, No. LR-C-99-826 (Co-Lead Counsel)

In re BISYS Securities Litigation, Inc., United States District Court Southern District of New York, Civil Action No. 04-CV-3840 (Lead Counsel; \$66.8 million settlement)

In re Blockbuster, Inc. Securities Litigation, United States District Court for the Northern District of Texas, Dallas Division, No. 3:03-CV-03098-M LEAD (Co-Lead Counsel)

Lynne H. Sinay, et al. v. Boron LePore & Assocs., Inc., et al., United States District Court for the District of New Jersey, No. 99-2231 (DRD) (Co-Lead Counsel; \$4.7 million settlement)

In re Central Parking Corporation Securities Litigation, United States District Court for the Middle District of Tennessee, Nashville Division, No. 03-CV-0546 (Co-Lead Counsel; \$4.85 million)

In re Cherry Corp. Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18007 NC (Co-Lead Counsel)

In re Chromcraft Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18571 (Co-Lead Counsel)

H. Carl McCall, etc. v. Richard L. Scott, et al., United States District Court for the Middle District of Tennessee, Nashville Division, No. 3:97-0838 (Derivative Litigation Executive Committee, \$14 million settlement with extensive corporate governance measures adopted)

Dasburg, S.A. et al. v. Corrections Corporation of America, et al., Court of Chancery for Tennessee, 20th Judicial District, Davidson County, No. 98-2391-III (Lead Counsel; \$11.5 million settlement in cash and stock)

In Re Covad Securities Litigation, United States District Court for the Northern District of California, No. C-00-3891-PJH (Co-Lead Counsel; \$16.5 million in cash and stock)

Nat Orme v. Michael R. Cunningham, et al., Superior Court of New Jersey, Chancery Division, Hudson County, No. C-69-00 (Co-Lead Counsel)



In re Del Webb Corporation Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18357 NC (Co-Lead Counsel)

In re DQE, Inc. Securities Litigation, United States District Court, Western District of Pennsylvania, No. 01-1851 (Co-Lead Counsel; \$12 million settlement)

In re Dynacq International, Inc. Securities Litigation, United States District Court for the Southern District of Texas, Houston Division, No. H-02-0377 (Co-Lead Counsel)

In re Eaton Vance Corporation Securities Litigation, United States District Court for the District of Massachusetts, Civil Action No. 01-10911-EFH (Co-Lead Counsel; \$5 million settlement)

Edward Steele, et al. v. Welch, et al. (FAO, Inc.), United States District Court for the Eastern District of Pennsylvania, No. 03-942-MMB (Co-Lead Counsel)

Harry Amsterdam et al. v. FleetBoston Financial Corporation et al., United States District Court for the District of New Jersey, No. 02-CIV-4561 (WGB) (Co-Lead Counsel)

Earl Culp, et al. v. Gainsco, Inc., et al., United States District Court for the Southern District of Florida, No. 03-20854-CIV-LENARD/SIMONTON (Co-Lead Counsel)

Andris Indriksons, et al. v. Hamilton Bancorp Inc., et al., United States District Court for the Southern District of Florida, Miami Division, No. 01-CV-0056-GOLD (Co-Lead Counsel; \$9 million settlement)

Beverly Verga, et al. v. Hammerhead's Sea Grille of Juno Beach, Inc., Circuit Court for Palm Beach County, Florida, No. CL 98-6663 AN (Lead Counsel)

In re HealthSouth Corp. Securities Litigation, United States District Court for the Northern District of Alabama, Southern Division, No. CV-98-J-2634-S (Executive Committee)

In re Il Fornaio America Corporation, et al., Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18506 (Co-Lead Counsel)

Boris Pozniak v. Imperial Chemical Industries PLC, et al., United States District Court for the Southern District of New York, No. 1:03cv2457 (NRB) (Co-Lead Counsel)

In re Independent Energy Holdings PLC Securities Litigation, United States District Court for the Southern District of New York, No. 00 Civ. 6689 (Executive Committee; \$48 million settlement)



Martin Fogel v. Information Management Associates, Inc., United States District Court for the District of Connecticut, No. 3:00-CV-135 (AWT) (Co-Lead Counsel; \$4.1 million settlement)

In re Initial Public Offering Securities Litigation, United States District Court, Southern District of New York, 21 MC 92 (SAS) (Steering Committee Member; \$ 1 billion partial settlement reached with a one group of defendants)

Walter E. Smith v. Interstate Bakeries Corp. et al., United States District Court for the Western District of Missouri, No. 4:03-cv-00142-FJG (Co-Lead Counsel; \$18 million settlement)

Jerome Deckler, et al. v. Ionics, Inc., et al., United States District Court for the District of Massachusetts, No. 03-CV-10393 (WGY) (Lead Counsel)

In re IXL Enterprises, Inc. Securities Litigation, United States District Court for the Northern District of Georgia, Atlanta Division, No. 1:00-CV-2347-CC (Co-Lead Counsel; \$2.5 million settlement)

In re J. Jill Group, Inc. Securities Litigation, United States District Court for the District of Massachusetts, No. 03-CV-10918 - WGY (Co-Lead Counsel)

Rosa A. Garza, et al. v. J.D. Edwards & Company, et al., United States District Court for the District of Colorado, No. 99--1744 (Co-Lead Counsel; \$15 million settlement)

State of Wisconsin Investment Board, et al. v. Harold Rutenberg, et al. (Just For Feet), United States District Court for the Northern District of Alabama, Southern Division, No. CV-99-BU-3097-S (Court Appointed Special Counsel; \$34 million settlement)

In re JWGenesis Financial Corporation Shareholder Litigation, Circuit Court for Palm Beach County, Florida, No. CL 00-8661 AG (Co-Lead Counsel)

In re Keyspan Securities Litigation, United States District Court for the Eastern District of New York, No. CV-01-5852 (ARR) (MDG) (Co-Lead Counsel; \$13.75 million settlement)

Todd Holley, et al. v. Kitty Hawk Inc., et al., United States District Court for the Northern District of Texas, Dallas Div., No. 3-00-CV-0828-P (Co-Lead Counsel; \$2.75 million settlement)

In re Lernout & Hauspie Securities Litigation, United States District Court for the District of Massachusetts, No. 00-CV-11589-PBS (Co-Lead Counsel; \$115 million settlement)

In re Loral Space & Communication Ltd. Securities Litigation, United State District Court for the Southern District of New York, Master File No. 01-CV-1388 (JGK) (Co-Lead Counsel)



In re MCG Capital Corporation Securities Litigation, United States District Court for the Eastern District of Virginia, Alexandria Division, No. 1:03cv0114-A (Co-Lead Counsel)

Isabel J. Griffin, et al. v. MedPartners, Inc., et al., Circuit Court of Jefferson County, Alabama, No. CV-98-00297 (Lead Counsel for purchasers of TAPS Securities; \$25 million settlement for TAPS purchasers, \$65 million total settlement)

Douglas A. Wilson, et al. v. MicroFinancial Incorporated, et al., United States District Court for the District of Massachusetts, No. 03-CV-11883 (RGS) (Co-Lead Counsel)

In re Midway Games, Inc. Securities Litigation, United States District Court for the Northern District of Illinois, Eastern Division, No. 03 C 6821

In re Mikasa Inc. Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18300 NC (Co-Lead Counsel)

Robert O. Neibert v. Monarch Dental Corp., United States District Court for the Northern District of Texas, Dallas Division, No. 3:99-CV-762-X (Co-Lead Counsel; \$3.5 million settlement)

In re Monterey Pasta Company Securities Litigation, United States District Court for the Northern District of California, No. 3:03 CV 00632 MJJ (Co-Lead Counsel)

Harold Hicks v. Morgan Stanley & Co., et al., United States District Court for the Southern District of New York, Civil Action No. 01 CV 10071 (Co-Lead Counsel; \$10 million settlement)

E. Paul Larett, et al. v. Michael L. Robertson, et al. (MP3.com), Superior Court of California, County of San Diego, No. GIC-754696 (Co-Lead Derivative Counsel)

Michael Rocco v. Nam Tai Electronics, Inc. et al., United States District Court for the Southern District of New York, No. 03-CV-1148 (Lead Counsel)

In re National Golf Properties, Inc. Securities Litigation, United States District Court for the Central District of California, Western Division, No. 02-1383-GHK(RZx; \$4.175 million settlement)

In re NewPower Holdings Securities Litigation, United States District Court for the Southern District of New York, Civil Action No. 01civ1550 (CLB) (Co-Lead Counsel; \$41 million settlement)

In re Oneok Derivative Litigation, District Court of Tulsa County, Oklahoma, No. CJ-2000-00593 (Co-Lead Derivative Counsel)



In re Orbital Sciences Corporation Securities Litigation, United States District Court for the Eastern District of Virginia, Alexandria Division, No. 99-197-A (Co-Lead Counsel for Section 11 Claims; \$23.5 million settlement)

In re Parametric Technology Corp. Securities Litigation, United States District Court for the District of Massachusetts, No. 03 CV 10290 (Co-Lead Counsel)

In re Pcom, Inc. Securities Litigation, Superior Court of California, County of Santa Clara, No. CV-776853 (Co-Lead Counsel; \$16 million settlement)

Jason Adelman, et al., v. PEC Solutions, Inc., et al., United States District Court for the Eastern District of Virginia, Alexandria Division, Civil Action No. 03-331-A (Co-Lead Counsel)

In re Phycor Shareholder Litigation, United States District Court for the Middle District Tennessee, No. 3:990807 (Co-Lead Counsel; \$11.2 million settlement)

In re Pinnacle Systems Securities Litigation, United States District Court for the Northern District of California, No. C-00-2596-MM (Co-Lead Counsel)

Bill Koplovitz v. Plains Resources, Inc., et al., United States District Court for the Southern District of Texas, Houston Division, No. H-99-4212 (Lead Counsel; \$5.4 million settlement)

Citiline Holdings, Inc. v. Printcafe Software, Inc. et al., United States District Court for the Western District of Pennsylvania, Civil Action No. 03-0959 (Co-Lead Counsel)

John Neiger, et al. v. Doctor Crants, et al. Prison Realty Securities Litigation, United States District Court for the Middle District of Tennessee, Nashville Division, No. 3-99-1205 (Lead Counsel; \$11.5 million settlement, cash and stock)

In re Bernstein v. Prison Realty Trust, Inc., et al., Chancery Court for the State of Tennessee, 20th Judicial District, Davidson County, No. 99-3794-III (Lead Counsel)

Samuel Brand v. Colleen Conway Welch, et al. (Quorum Health Group), Circuit Court for Davidson County, Tennessee, No. 00C-3066 (Co-Lead Counsel)

Richard Slatten v. Rayovac Corporation, et al., United States District Court for the Western District of Wisconsin, Case No. 02 C 0325 C (Co-Lead Counsel; \$4 million settlement)

Yvon DuPaul v. H. Edwin Trusheim, et al. (Rehabcare Group), Circuit Court of the county of St. Louis, Missouri, No. 02 CC 3039 (Lead Derivative Counsel)



Edward J. Vranizan v. William E. Morgenstern, et al. (Rent-Way Derivative Litigation), United States District Court for the Western District of Pennsylvania, C.A. No. 01-46, Erie (Lead Derivative Counsel)

Paul L. Ruble, et al. v. Rural Metro Corp., et al., United States District Court for the District of Arizona, No. CIV-99-822-PHX-RGS (Co-Lead Counsel; \$15 million settlement)

Lone Star Ladies Investment Club v. Schlotzkys, Inc., United States District Court for the Western District of Texas, No. A-98-CA-550-JN (Co-Lead Counsel; \$2 million settlement)

In re Service Corporation International, United States District Court for the Southern District of Texas, Houston Division, No. H-99-280 (Executive Committee)

Trinity Holdings Corp. v. Sirrom Capital Corp., et al., United States District Court for the Middle District of Tennessee, No. 3-98-0643 (Executive Committee; \$15 million settlement)

William Straub v. The Solomon-Page Group Ltd., Delaware Chancery Court, New Castle County, C.A. No. 17977 NC (Co-Lead Counsel)

Lloyd Bahr, et al. v. Springs Industries, Inc., et al., State of South Carolina in the Court of Common Pleas, County of York, No. 2001-CP-46-374 (Co-Lead Counsel)

In re Stone & Webster Inc. Securities Litigation, United States District Court for the District of Massachusetts, No. 00-CV-10874-RCL (Executive Committee)

In re Sunburst Hospitality Corporation Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18343 NC (Co-Lead Counsel)

Frank Rogers v. Sunrise Medical, Inc., et al., Superior Court of California, County of San Diego, Case No. GIC 756421 (Co-Lead Counsel)

In re Sunstar Healthcare Securities Litigation, United States District Court for the Middle District of Florida, Orlando Division, No. 6:00-CV-172-ORL-28C (Executive Committee)

In re Supervalu, Inc. Securities Litigation, United States District Court for the District of Minnesota, No. 02-CV-1738 (JEL/JGL) (Co-Lead Counsel; \$4 million settlement)

George Lehocky v. Tidel Technologies, Inc. et al., United States District Court for the Southern District of Texas, Houston Division, No. H-01-3741 (Executive Committee)



David Montalvo v. Triplos, Inc. et al., United States District Court for the Eastern District of Missouri, Eastern Division, No. 4:03CV995SNL (Co-Lead)

Richard R. Reina v. Tropical Sportswear International Corporation, et al., United States District Court for the Middle District of Florida, Tampa Division, No. 8:03-CV-1958-T23TGW (Co-Lead Counsel)

In re U.S. Franchise Systems, Inc. Securities Litigation, United States District Court for the Northern District of Georgia, Atlanta Division, No. 1:00-CV-1244-RLV (Co-Lead Counsel)

In re U.S. Liquids Securities Litigation, United States District Court for the Southern District of Texas, Houston Division, No. H-99-2785 (Co-Lead Counsel)

In re United Television, Inc. Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18218 NC (Co-Lead Counsel)

Irene Abrams v. VanKampen Funds, Inc., et al., United States District Court for the Northern District of Illinois, Eastern Division, No. 01 C 7538 (Co-Lead Counsel; \$30 million settlement)

David T. O'Neal Trust v. Vanstar Corp. et al., Superior Court of the State of California, County of Alameda, No. V-014193-6 (Co-Lead Counsel; \$5 million settlement)

John F. Ritter v. Joseph H. Kiser (Vari-L), District Court of Denver, Colorado, No. 00-CV-6001 (Lead Derivative Counsel)

In re Vertex Pharmaceuticals, Inc. Securities Litigation, United States District Court for the District of Massachusetts, No. 03-11852-PBS (Co-Lead Counsel)

In re Vision America Securities Litigation, United States District Court for the Middle District of Tennessee, Nashville Division, No. 3-00-0279 (Co-Lead Counsel; \$5.9 million settlement)

Lawrence Feldman v. Walden Residential Properties, Inc., et al., County Court at Law #1, Dallas County, Texas, No. CC-99-11645-A (Lead Counsel for holders of common stock)

Dorothy Coven v. World Fuel Services Corporation, United States District Court for the Southern District of Florida, Miami Division, No. 00-0541-CIV-MORENO (Co-Lead Counsel)

In re Fleming Corporation Securities Litigation, United States District Court for the Eastern District of Texas, Texarkana Division, No. 5-02-CV-178 (Co-Lead Counsel for 33 Act Claims; \$93.75 million settlement)



David Slone, et.al. v. Fifth Third, United States District Court for the Southern District of Ohio,
No. 03-CV-00211 (\$15 million settlement)

Firm Resume – Kirby McInerney & Squire LLP

KIRBY MCINERNEY & SQUIRE, LLP

Kirby McInerney & Squire, LLP has a well-earned reputation for integrity, tenacity and innovative approaches. We have achieved and are pursuing landmark results in the fields of securities fraud, corporate governance, consumer, healthcare and antitrust litigation.

Our clients include public and private institutions, including governmental entities, Taft-Hartley funds, and other aggrieved institutions and individuals. These parties have suffered financial injuries by some form of malfeasance ranging from securities to Medicaid fraud (where we represent the City and Counties of New York in efforts to recover overpayments to drug companies) to antitrust violations.

As part of our recovery services for investors, the firm monitors client market investments to enhance awareness of possible fraud, understand its significance to our clients' investments, and form the appropriate response.

We are retained on a contingency basis, and are paid only if successful in recovering losses. Our fee policy allows our clients to access legal rights and remedies that might otherwise be uneconomical. Because we put ourselves at financial risk in these recovery efforts, we carefully review the merits of all litigation proceedings, both class and individual, before we commit to any litigation initiatives.

Kirby McInerney & Squire repeatedly has demonstrated the ability to take a case to trial and win; a rarity among the plaintiff's security bar. We have tried securities class actions, massive antitrust cases, and engaged in numerous complex arbitrations. We distinguish ourselves by providing our clients with true strong trial capabilities. Well known trial skills demonstrate at once our competence and capacity, tools that are needed to obtain top dollar on a consensual basis, rather than face a trial. We also pride ourselves on taking imaginative approaches to the formulation of litigation strategies that will provide greater benefits more quickly to our clients and shareholders. We have produced the most significant swift securities resolutions in the annals of the field, and have recovered well in excess of a billion dollars for our clients.

Partners

Roger W. Kirby attended Stanford University & Columbia College (B.A.) and Columbia University School of Law (J.D.). He also attended The Hague Academy of International Law and was an International Fellow at law school. Thereafter, he was law clerk to the (late) Honorable Hugh H. Bownes, United States District Court for New Hampshire and subsequently the Court of Appeals for the First Circuit. Mr. Kirby has written articles on litigation and the Federal Rules of Civil Procedure and Federal Rules of Evidence that have been published by various reporters and journals and is on the board of editors of Class Action Reports. He has also lectured on aspects of securities litigation. Mr. Kirby has enjoyed considerable success as a trial attorney, and cases for which he has had primary responsibility have produced landmark decisions in the fields of securities law, corporate governance, and deceptive advertising.

Notable cases include *Reynolds v. Beneficial National Bank*, 288 F.3d 277 (7th Cir. 2002), *Gerber v. Computer Associates International, Inc.* 303 F.3d 126 (2d Cir. 2002), and *In re Cendant Corporation PRIDES Litigation*, Master File No. 98-2819 (WHW), D.N.J. (2002). Mr. Kirby is admitted to the New York State Bar and the United States District Courts for the Southern, Northern and Eastern Districts of New York, the United States Courts of Appeals for the Second, Third, Fifth, Seventh, Eighth, Ninth, and Eleventh Circuits and the United States Supreme Court.

Alice McInerney was Chief of the New York Attorney General's Investor Protection and Securities Bureau and Deputy Chief for its Antitrust Bureau. She previously was the Chair of the Enforcement Section of the North American Securities Administrators Association and also chaired the Multi-State Task Force on investigations for the National Association of Attorneys General. Ms. McInerney specializes in antitrust and consumer matters, and also handles securities cases.

Notable cases include *Bartold v. Glendale Federal Bank* (2000) 81 Cal. App.4th 816, review denied (Oct 18, 2000), co-lead counsel in the Microsoft litigation and co-counsel in *In re Visa Check/MasterMoney Antitrust Litigation*, (No. 96 CV 5238, E.D.N.Y.). The Visa case resulted in an antitrust settlement of over \$3 billion for retailers nationwide. She is a member of the Association of the Bar of the City of New York and of the National Association of Public Pension Attorneys. Ms. McInerney is admitted to practice in New York and before all the district courts within the State of New York, the Second Circuit Court of Appeals and the United States Supreme Court.

Jeffrey H. Squire graduated from Amherst College (B.A., *cum laude*) and the University of Pennsylvania Law School (J.D.). Mr. Squire specializes in securities class action and derivative litigation. In the area of Securities Fraud, Mr. Squire has principally handled well over 100 cases.

Notable cases include *In re Waste Management, Inc. Securities Litigation*, 97 CV 7709 (N.D. Ill. 1999), and *Steiner v. Aurora Foods*, 00 CV 602 (N.D. Cal. 2001). Mr. Squire is admitted to the New York State Bar, the United States District Courts for the Southern, Northern and Eastern Districts of New York, as well as the United States Courts of Appeals for the Second, Third, Fourth, Fifth and Seventh Circuits.

Randall K. Berger graduated from Iowa State University with a B.S. in Engineering and worked for a management consulting firm for four years before attending law school. Mr. Berger received his J.D. from The University of Chicago Law School. He served as the lead attorney in a class action arising from the Bennett Funding Group Ponzi scheme (*In re Bennett Funding Group Securities Litigation*, No 96 Civ. 2583 (S.D.N.Y. 1999)), where over \$150 million was returned to investors. Mr. Berger is spearheading antitrust litigation against the 27 largest investment banks in the country, alleging price fixing in the market for underwriting initial public stock offerings. Mr. Berger is a certified arbitrator for the National Association of Securities Dealers, which uses arbitration panels to resolve disputes between its member firms and customers, and to resolve intra-industry conflicts.

Mr. Berger is admitted to practice before the bars of the State of New York and the United States District Courts for the Southern, Eastern, and Northern Districts of New York and the District of Colorado.

Joanne M. Cicala graduated from Georgetown University School of Foreign Service. She received her J.D. from Fordham University School of Law. Ms. Cicala has written articles concerning class actions, the consequences of failing to preserve class data, and whether privileges attach to internal corporate investigations. Ms. Cicala has considerable experience respecting federal and local government public policy initiatives in the areas of legislation, social services and public welfare. Ms. Cicala specializes in antitrust and consumer fraud matters. She is also the lead KMS attorney in respect of its health care practice, representing the City of New York, and numerous New York Counties. Ms. Cicala also represents public and union employee health benefit funds.

Notable cases include *Reynolds v. Beneficial National Bank*, 288 F.3d 277 (7th Cir. 2002) and *Gerber v. Computer Associates International, Inc.* 303 F.3d 126 (2d Cir. 2002). Ms. Cicala

is admitted to practice before the bars in the States of New York, New Jersey, Texas, the United States District Courts for the Eastern and Southern Districts of New York and the District of New Jersey, and the United States Courts of Appeals for the Second, Seventh and Eighth Districts.

Daniel Hume graduated from the State University of New York at Albany, *magna cum laude*, with a B.A. in Philosophy. He received his J.D. from Columbia Law School, where he served as Notes Editor for the Columbia Journal of Environmental Law. Mr. Hume has rendered compliance advice to broker-dealers and contributed to *The Compliance Reporter* securities question and answer column. He has also authored articles on securities and class action matters. Mr. Hume was the firm's principal lawyer in respect of a skein of state antitrust claims against Microsoft. One resolution of these actions, following months of trial, resulted in hundreds of millions of dollars of benefits for consumers.

Mr. Hume is admitted to the New York State Bar and the United States District Courts for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second Circuit.

Peter S. Linden graduated from the State University of New York at Stony Brook, B.A. in Political Science (with honors). He received his J.D. from Boston University School of Law. Mr. Linden worked as an assistant district attorney in the Kings County District Attorney's Office from 1984 through October, 1990, where he served as a supervising attorney of its Economic Crimes Bureau. Since joining the firm in 1990, Mr. Linden has been engaged in the prosecution of complex securities and consumer class actions throughout the United States.

Mr. Linden has successfully prosecuted numerous cases in federal and state courts, which have resulted in favorable recoveries for shareholders and consumers. Recently, he represented two major insurance companies in a securities class action, *In re Laidlaw Bondholders Litigation*, which resulted in a settlement worth many tens of millions of dollars. Mr. Linden served as Chairman of the Plaintiffs' Steering Committee in *In re MCI Non-Subscriber Litigation*, an action that ultimately settled for nearly \$100 million cash.

Notable cases include *Carnegie v. Household International Inc., et al.*, 376 F.3d 656 (7th Cir. 2004); and *In re eBay, Inc. Shareholder Litigation*, 2004 WL 253521 (Del. Ch.). Mr. Linden is admitted to practice before the bars of the State of New York, the United States District Courts for the Eastern and Southern Districts of New York, and the United States Courts of Appeals for the Sixth and Eighth Circuits. He is a member of the Association of the Bar of the City of New York and of the National Association of Public Pension Attorneys.

Ira M. Press graduated from Yeshiva University (B.A.) and New York University Law School (J.D.). Mr. Press has specialized in securities and consumer class action litigation in federal and state courts throughout the United States. His advocacy has resulted in several landmark appellate decisions including, *Rothman v. Gregor*, 220F.3d 81 (2d Cir. 2000), the first appellate reversal of a lower court's dismissal of a securities class action suit pursuant to the 1995 federal securities litigation reform act, and more recently, *Pinker v. Roche Holdings*, 292 F.3d 361 (3d Cir. 2002).

Mr. Press is admitted to practice in New York State, the United States Courts of Appeals for the Second, Third and Eleventh Circuits, and the United States District Courts for the Eastern, Northern and Southern Districts of New York.

Mark A. Strauss received his B.A. from Cornell University, where he was a College Scholar. He received his J.D. from Fordham University School of Law, where he was Associate Editor of the Law Review. Mr. Strauss has prosecuted numerous class action cases involving violations of the securities laws and consumer laws. He frequently litigates complex jurisdictional and extraterritorial issues, and claims against major accounting and auditing firms.

Notable cases include *Cromer Finance v. Berger et al.*, 00 Civ. 2284 (S.D.N.Y.), a lawsuit on behalf of defrauded hedge fund investors; *Morgado Family Partners v. Lipper et al.*, Index No. 02/604396 (Sup. Ct., NY Co.), also a hedge fund case; *Argent Classic Convertible Arbitrage Fund v. Amazon.com*, No. C01-0640L (W.D. Wa.); *Rosen v. Textron, Inc.*, C.A. 02-190L (D.R.I.); *In re FTD.Com, Inc. Shareholders Litigation*, Case No. C.A. No.19458-NC (Court of Chancery, New Castle County, Delaware); and *Pinker v. Roche Holdings Ltd.*, No. 00-4318, 01-1562 (D.N.J.). Mr. Strauss is admitted to practice before the bars of the State of New York, the United States District Courts for the Eastern and Southern Districts of New York, the State of California and the Northern, Southern and Central Districts of California. He is the co-author of *Are Class Actions Against Broker/Dealers Dead?* Securities Regulation and Law Report, Vol. 36, No. 2, 01/12/2004, pp. 68-72.

Associates

James P. Carroll, Jr. graduated from Duke University (B.A.) and University of Denver (J.D.). He specializes in antitrust, securities and consumer fraud litigation. Most recently, Mr. Carroll served as a member of the trial team for the *In re VisaCheck/MasterMoney Antitrust Litigation*, a civil antitrust case that settled for in excess of \$3 billion and, *Gordon v. Microsoft Inc.*, a Minnesota State civil antitrust case that settled for \$175 million after nearly two months of trial. Mr. Carroll is admitted to practice in the State of Colorado, the United States District Court for

Colorado, the United States Courts of Appeals for the Ninth and Tenth Circuits, the United States Tax Court, the bars of the states of New York and Texas, and the United States District Courts for the Eastern and Southern Districts of New York.

Aaron Hovan graduated from Colgate University (B.A., *cum laude* with Honors) in Economics, and Columbia University School of Law (J.D.). He served as managing editor of the Columbia Journal of Environmental Law. Mr. Hovan specializes in healthcare, consumer fraud, securities and complex litigation. Mr. Hovan is admitted to practice before the bar of the State of New York, and the United States District Courts for the Eastern, Northern and Southern Districts of New York.

David E. Kovel attended Yale University (B.A.), Columbia University School of Law (J.D.) and Columbia University School of Business Administration (M.B.A.). He traded commodities for several years before attending law school. He specializes in antitrust, securities and corporate governance matters. Mr. Kovel is admitted to the New York State Bar, the United States District Courts for the Southern and Eastern Districts of New York and the Connecticut State Bar.

Pamela E. Kulsrud graduated from Dartmouth College (A.B.), and received her J.D. from Brooklyn Law School where she was Articles Editor on the Journal of International Law. Ms. Kulsrud is the author of a Securities Arbitration Handbook in connection with her experience representing large brokerage firms. Ms. Kulsrud specializes in securities class actions throughout the country and was actively involved in: *In re MTC Technologies Securities Litigation* (\$72 million settlement); *In re Waste Management Securities Litigation* (settled for \$220 million); *In re Boeing Securities Litigation* (\$92 million); and *In re Columbia/HCA Securities Litigation* (\$50 million). Ms. Kulsrud is admitted to practice before the Courts of New York State and the State of New Jersey, the United States District Courts for the Southern and Eastern Districts of New York, and the United States District Court of New Jersey.

Sarah G. Lopez graduated from Colgate University (B.A.) and St. John's University School of Law (J.D.), where she was articles Editor for St. John's University Journal of Legal Commentary. Ms. Lopez is admitted to practice before the New York and New Jersey state bars, and the U.S. District Court of the Southern and Eastern Districts of New York.

Beverly Tse graduated from California State University of Los Angeles (B.S., *magna cum laude*) and California Western School of Law (J.D.). Ms. Tse is admitted to the State Bar of California, the United States District Court for the Northern and Central Districts of California.

Edward M. Varga, III graduated from Cornell University (B.S.) and New York University Law School (J.D.). Mr. Varga is awaiting admission to the New York State bar.

J. Bradley Vatr graduated from Villanova University (B.A.) and Fordham University School of Law (J.D.), where he was Business Editor of the Environmental Law Journal. Mr. Vatr is admitted to the bar of the State of New York.

Andrew T. Watt graduated from Columbia College (B.A.), Yale University (M.A.), and Columbia University School of Law (J.D.), where he was a Harlan Fiske Stone Scholar. Mr. Watt is admitted to practice before the bar of the State of New York, and the United States District Court for the Southern and Eastern Districts of New York.

Of Counsel

David A. Bishop graduated from American University (B.A.) and Fordham School of Law (J.D.). Prior to joining the firm, he served for thirteen years as an elected representative in the Suffolk County (N.Y.) Legislature, holding a variety of leadership posts. Mr. Bishop has received honors from the Nature Conservancy, the Child Care Council, and the Long Island Federation of Labor (AFL-CIO). Mr. Bishop is admitted to practice before the bar of the State of New York, and the United States District Court for the Southern and Eastern Districts of New York.

Richard L. Stone received his J.D. from Columbia University where he was an editor of the Columbia Law Review. After law school, Mr. Stone clerked for the Honorable Charles P. Sifton, United States District Judge in the Eastern District of New York. Before joining the firm, Mr. Stone was a partner at Cadwalader, Wickersham & Taft. Mr. Stone specializes in securities and consumer fraud cases. Mr. Stone is admitted to practice before the New York State Bar as well as United States District Court for the Eastern and Southern Districts of New York.

Henry Telias received his B.S. in Accounting at Brooklyn College and his J.D. from Hofstra University School of Law. Mr. Telias received his New York C.P.A. license in 1982. Prior to practicing as an attorney, Mr. Telias practiced exclusively as a certified public accountant from 1982 to 1989, including 3 years in the audit and tax departments of what is now known as Deloitte & Touche. Mr. Telias is a member of the Association of Certified Fraud Examiners, the New York State Bar Association, the American Institute of Certified Public Accountants and the New York State Society of Certified Public Accountants. He is admitted to practice before the New York State bar and the United States District Court for the Eastern and Southern Districts of New York.

Client & Adversary Recognition

"The case has been in front of the Supreme Court of the United States once, and in front of the Ninth Circuit no fewer than three times. Throughout, [KMS] has . . . brought a considerable degree of success . . . and thwarted attempts by other counsel who sought to settle . . . and destroy a potential billion dollars of class rights."

Plaintiff / client, Epstein v. MCA, Inc.

"[The KMS firm] proved to be a highly able and articulate advocate. Single-handedly, [KMS] was able to demonstrate not only that [KMS'] client had a good case but that many of the suspicions and objections held by the Nigerian Government were ill-founded."

English adversary in The Nigerian Cement Scandal

"[KMS] represented us diligently and successfully. Throughout [KMS'] representation of our firm, [KMS'] commitment and attention to client concerns were unimpeachable."

**European institutional defendant / client
involved in a multi-million dollar NASD arbitration**

"Against long odds, [KMS] was able to obtain a jury verdict against one of the larger, more prestigious New York law firms."

**Plaintiff / client,
Vladimir v. U.S. Banknote Corporation**

"[KMS] represented our investors with probity, skill, and diligence. There is too much money involved in these situations to leave selection of class counsel to strangers or even to other institutions whose interests may not coincide."

**Plaintiff / institutional client,
In re Cendant Corporation PRIDES Litigation**

Notables

The firm has repeatedly demonstrated its expertise in the field of class litigation and its expertise has been repeatedly recognized. For example:

- *In re Bisy's Securities Litigation*, C.A. No. 04-CV-3840 (S.D.N.Y. 2007). Co-lead counsel, \$66 million settlement.
- *In re AT&T Corp. Securities Litigation*, C.A. No. 00-CV-8754 (S.D.N.Y. 2006). Sole counsel, \$150 million settlement.
- *In re Adelphia Communications, Inc. Securities Litigation*, No. 04 CV 05759 (S.D.N.Y. 2006). Co-lead counsel, \$455 million settlement.

"[T]hat the settlements were obtained from defendants represented by 'formidable opposing counsel from some of the best defense firms in the country' also evidences the high quality of lead counsels' work."

- *Carnegie v. Household International Inc., et al.*, 98 C 2178 (EEB)(N.D.Ill. 2006). Co-lead counsel, \$39 million settlement:

"Since counsel took over the representation of this case . . . , they have pursued this case, conducting discovery, hiring experts, preparing for trial, filing motions where necessary, opposing many motions, and representing the class with intelligence and hard work. They have obtained an excellent result for the class."

- *Argent Convertible Classic Arbitrage Fund, L.P. v. Amazon.com, Inc. et al.*, CV No. 01-0640L (W.D. Wash. Oct. 20, 2005). Lead counsel for class of convertible euro-demoninated bond purchase. \$20 million settlement.
- *Muzinich & Co., Inc. et al. v. Raytheon Company et al.*, No. C-01-0284-S-BLW (D. Idaho 2005). Co lead counsel. \$39 million settlement.
- *Gordon v. Microsoft Corporation*, Civil No. 00-5994 (Minn. Dist. Ct., Henn. Co. 2004). Co-lead counsel; \$175 million settlement following two months of trial.

- *In re Visa Check/MasterMoney Antitrust Litigation*, 96-CV-5238 (E.D.N.Y. 2003) \$3 billion monetary settlement; injunctive relief.
- *In re Florida Microsoft Antitrust Litig.*, Case No. 99-27340 CA 11 (Fl. Cir. Ct. 11th Cir., Miami/Dade Co. 2003). Co-lead counsel. \$200 million settlement of antitrust claims.
- *In re Churchill Securities, Inc.* (SIPA Proceeding), Case No. 99 B 5346A (Bankr. S.D.N.Y. 2003): Sole Counsel; recovered over \$9 million for 500+ victims of pyramid scheme perpetrated by defunct brokerage firm.
- *In re Laidlaw Bondholder Securities Litigation*, 00 cv 2518-17 (D. S.C. 2002). Lead counsel; \$42.8 million settlement.
- *Cromer Finance v. Berger et al.* (*In re Manhattan Fund Securities Litigation*), 00 cv 2284 (S.D.N.Y. 2002). Co-lead counsel; \$32 million settlement.
- *In re Boeing Securities Litigation*, 97 cv 715 (W.D. Wash. 2001). \$92.5 million settlement.
- *In re MCI Non-Subscriber Telephone Rates Litigation*, MDL No. 1275 (S.D. Ill. 2001). Chairman of steering committee; \$88 million settlement.
- *In re General Instrument Corp. Securities Litigation*, 01 cv 1351 (E.D. Pa. 2001). Co-lead counsel; \$48 million settlement.
- *In re Bergen Brunswig/Bergen Capital Trust Securities Litigation*, 99 cv 1305 and 99 cv 1462 (C.D. Cal. 2001). Co-lead counsel; \$42 million settlement.
- *Steiner v. Aurora Foods*, 00 cv 602 (N.D. Cal. 2000). Co-lead counsel; \$36 million settlement.
- *Gerber v. Computer Associates International, Inc.*, No. 91 C 3610 (E.D.N.Y. 2000). Multimillion dollar jury verdict in securities class action.
- *Rothman v. Gregor*, 220 F.3d 81 (2d Cir. 2000). Principal counsel of record in appeal that resulted in first ever appellate reversal of the dismissal of a securities fraud class action under the Securities Reform Act of 1995.

- *Bartold v. Glendale Federal Bank*, (2000) 81 Cal.App.4th 816. Ruling on behalf of hundreds of thousands of California homeowners establishing banks' duties regarding title reconveyance; substantial damages still to be calculated in this and related cases against other banks for failures to have discharged these duties.

- *In re Cendant Corporation PRIDES Litigation*, 51 F. Supp. 2d 537, 542 (D. N.J. 1999). Lead counsel, \$340 million settlement. The court said:

"[R]esolution of this matter was greatly accelerated by the creative dynamism of counsel." * * * "We have seen the gifted execution of responsibilities by a lead counsel."

- *In re Waste Management, Inc. Securities Litigation*, No. 97C 7709 (N.D. Ill. 1999). Co-lead counsel, \$220 million settlement.

"...[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases... in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here... I would say this has been the best representation that I have seen."

- *In re Bennett Funding Group Securities Litigation*, No. 96 Civ. 2583 (1999). Co-lead counsel; \$140 million in settlements to date (\$125 million recovered from Generali U.S. Branch, insurer of Ponzi scheme instruments issued by Bennett Funding Group; \$14 million settlement with Mahoney Cohen, Bennett's auditor). Case continuing against other defendants.

- *In re MedPartners Securities Litigation*, CV-98-06364 (Ala. June 1999). Co-lead counsel; \$56 million settlement.

- *In re MTC Electronic Technologies Shareholder Litigation*, No. CV-93-0876 (E.D.N.Y. October 20, 1998). Co-lead counsel; settlement in excess of \$70 million.

- *Skouras v. Creditanstalt International Advisers, Inc., et al.*, NASD Arb., No. 96-05847 (1998). Following an approximately one month hearing, successfully defeated multi-million dollar claim against major European institution.

- *In re Woolworth Corp. Securities Class Action Litigation*, 94 Civ. 2217 (RO) (S.D.N.Y. Sept. 29, 1997). Co-lead counsel; \$20 million settlement.

- *In re Archer Daniels Midland Inc. Securities Litigation*, C.A. No. 95-2877 (C. D. Ill. April 11, 1997). Co-lead counsel; \$30 million settlement.
- *Vladimir v. U.S. Banknote Corp.*, No. 94 Civ. 0255 (S.D.N.Y. 1997). Multi-million dollar jury verdict in § 10(b) action.
- *Epstein et al. v. MCA, Inc., et al.*, No. 92-55675, 50 F.3d 644 (9th Cir. 1995) *rev'd and remanded on other grounds, Matsushita Electric Industrial Co., Ltd. et al. v. Epstein et al.*, No. 94-1809, 116 S. Ct. 873 (February 27, 1996). Sole counsel. Appeal resulted in landmark decision concerning liability of tender offeror under section 14(d)(7) of the Williams Act, SEC rule 14d-10 and preclusive effect of a release in a state court proceeding. In its decision granting partial summary judgment to plaintiffs, the court of appeals for the Ninth Circuit stated:

“The record shows that the performance of the Epstein plaintiffs and their counsel in pursuing this litigation has been exemplary.”
- *In re Abbott Laboratories Shareholder Litigation*, No. 92-C-3869 MEA, Fed. Sec. L. Rep. ¶ 98,973 (N.D. Ill. 1995). Co-lead counsel; \$32.5 million settlement:

“The record here amply demonstrates the superior quality of plaintiffs’ counsel’s preparation, work product, and general ability before the court.”
- *In re Morrison Knudsen Securities Litigation*, No. CV 94-334-S-EJL (D. Id. 1995). Co-lead counsel; approximately \$68 million settlement.
- *In re T2 Medical Inc. Securities Litigation*, No. 1:94-CV-744-RLV (N.D. Ga. 1995). Co-lead counsel; approximately \$50 million settlement.
- *Gelb v. AT&T*, 90 Civ. 7212 (LMM) (S.D.N.Y. 1994). Landmark decision regarding filed rate doctrine leading to injunctive relief.
- *In re International Technology Corporation Securities Litigation*, CV 88-40-WPG, (C.D. Cal. 1993). Co-lead counsel; \$13 million settlement.
- *Colaprico v. Sun Microsystems*, No. C-90-20710 (SW) (N.D. Cal. 1993). Co-lead counsel; \$5 million settlement.

- *Steinfink v. Pitney Bowes, Inc.*, No. B90-340 (JAC) (D. Conn. 1993). Lead counsel; \$4 million settlement.
- *In re Jackpot Securities Enterprises, Inc. Securities Litigation*, CV-S-89-05-LDG (RJJ) (D. Nev. 1993). Lead counsel; \$3 million settlement.
- *In re Nordstrom Inc. Securities Litigation*, No. C90-295C (W.D. Wa. 1991). Co-lead counsel; \$7.5 million settlement.
- *United Artists Litigation*, No. CA 980 (Sup. Ct., L.A., Cal.). Trial counsel; \$35 million settlement.
- *In re A.L. Williams Corp. Shareholders Litigation*, Consolidated, C.A. No. 10881 (Delaware. Ch. 1990). Lead counsel; benefits in excess of \$11 million.
- *In re Triangle Inds., Inc., Shareholders' Litigation*, C.A. No. 10466 (Delaware. Ch. 1990). Co-lead counsel; recovery in excess of \$70 million.
- *Schneider v. Lazard Freres*, (N.Y. Sup. 1990). Co-lead counsel. Landmark decision concerning liability of investment bankers in corporate buyouts; \$55 million settlement.
- *Rothenberg v. A.L. Williams*, C.A. No. 10060 (Delaware. Ch. 1989). Sole counsel; benefits of at least \$25 million to the class.
- *Kantor v. Zondervan Corporation*, C.A. No. 88 C5425 (W.D. Mich. S.D. 1989). Sole counsel; recovery of \$3.75 million.
- *King v. Advanced Systems, Inc.*, C.A. No. 84 C10917 (N.D. Ill. E.D. 1988). Lead counsel; recovery of \$3.9 million (representing 90% of damages).
- *Straetz v. Cordis*, 85-343 Civ. (SMA) (S.D. Fla. 1988). Lead counsel:

“I want to commend counsel and each one of you for the diligence with which you’ve pursued the case and for the results that have been produced on both sides. I think that you have displayed the absolute optimum in the method and manner by which you have represented your respective clients, and you are indeed a credit to the legal profession, and I’m very proud to have had the opportunity to have you appear before the Court in this matter.”

- *In re Flexi-Van Corporation, Inc. Shareholders Litigation*, C.A. No. 9672 (Delaware. Ch. 1988). Co-lead counsel; \$18.4 million settlement.
- *Entezed, Inc. v. Republic of Nigeria*, I.C.C. Arb. (London 1987). Multi-million dollar award for client.
- *In re Carnation Company Securities Litigation*, No. CV84-6913 (FW) (C.D. Cal. 1987). Co-lead counsel; \$13 million settlement.
- *In re Data Switch Securities Litigation*, B84 585 (RCZ) (D. Conn. 1985). Co-lead counsel; \$7.5 million settlement.
- *Stern v. Steans*, 80 Civ 3903 (GLG). The court characterized the result for the class obtained during trial to jury as “unusually successful” and “incredible” (Jun 1, 1984).
- *In re Datapoint Securities Litigation*, SA 82 CA 338 (W.D. Tex.). Lead Counsel for a Sub-Class; \$22.5 million aggregate settlement.
- *Malchman, et al. v. Davis, et al.*, 77 Civ. 5151 (S.D.N.Y., June 8, 1984) (TPG):

“It is difficult to overstate the far-reaching results of this litigation and the settlement. Few class actions have ever succeeded in altering commercial relationships of such magnitude. Few class action settlements have even approached the results achieved herein.... In the present case, the attorneys representing the class have acted with outstanding vigor and dedication . . . Although the lawyers in this litigation have appeared considerably more in the state courts than in the federal court, they have appeared in the federal court sufficiently for me to attest as to the high professional character of their work. Every issue which has come to this court has been presented by both sides with a thoroughness and zeal which is outstanding In sum, plaintiffs and their attorneys undertook a very large and difficult litigation in both the state and federal courts, where the stakes were enormous. This litigation was hard fought over a period of four years. Plaintiffs achieved a settlement which altered commercial relationships involving literally hundreds of millions of dollars.”

* * *